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FEDERAL COMMUNICATIONS COMMISSION
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BEFORE THE

Federal Communications Commission

ORIGINAL
FILE

-----X

In the Matter of: :

GLENS FALLS, NEW YORK :

Docket Number: 92-6

-----X

DATE: July 14, 1992

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1825 K Street, N.W.

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(202) 466-9500

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION

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In the matter: : DOCKET NUMBER

GLENS FALLS, NEW YORK : 92-6

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The above entitled matter came on for conference before Richard L. Sippel, Administrative Law Judge at 2000 L Street N. W., Washington, D.C. in Courtroom Number 2, on Tuesday, July 14, 1992 at 9:30 a.m.

APPEARANCES:

On behalf of Normandy Broadcasting Co.:

CHRISTOPHER P. LYNCH, PRESIDENT (Pro se)

217 Dix Avenue

Glens Falls, New York 12801

On behalf of Lawrence N. Brandt:

DAVID TILLOTSON, ESQ.

Arent, Fox, Kintner, Plotkin & Kahn

1050 Connecticut Avenue, N.W.

Washington, D.C. 20036-5339

On behalf of the Mass Media Bureau:

Y. PAULETTE LADEN, ESQ.

GARY P. SCHONMAN, ESQ.

2025 M Street, N.W.

Washington, D.C. 20554

1 P R O C E E D I N G S

2 JUDGE SIPPEL: We're on the record. I've
3 called this conference by my order, FCC-92-M-752. I'm
4 going to now ask the parties and counsel to identify
5 themselves, starting with yourself, Mr. Lynch, your
6 full name and who you're representing. Mr. Lynch?

7 MR. LYNCH: My name is Christopher P. Lynch.
8 I am president and general manager of Normandy
9 Broadcasting, owner of stations WWSC and WYLR.

10 JUDGE SIPPEL: On behalf of Lawrence N.
11 Brandt?

12 MR. TILLOTSON: David Tillotson of Arent,
13 Fox, Kintner, Plotkin and Kahn.

14 JUDGE SIPPEL: And on behalf of the Mass
15 Media Bureau?

16 MS. LADEN: Paulette Laden and Gary Schonman.

17 JUDGE SIPPEL: All right. In my order
18 setting up this conference, I denied your motion, or
19 your petition for an extension of time. Can you hear
20 what I just said?

21 MR. LYNCH: Yes, Your Honor.

22 JUDGE SIPPEL: All right. I'm trying to test
23 this machine as well as talk to you. I don't want to
24 get into any more discussion about that, except for the
25 fact that you have until now the 16th, which is

1 Thursday of this week, to exchange documents and
2 written testimony.

3 Now, I did that in terms of your petition.
4 So I have granted a portion of what you asked for, or
5 nearly everything that you asked for. I want to let
6 you know right now, so that we can move this discussion
7 forward, that I have listened and read very carefully
8 to all that you said about how difficult it is for you
9 to run a broadcast station and to prepare for this
10 case. But this has reached a point now where really
11 that becomes an irrelevancy. There's nothing further
12 for me to hear about how difficult it is for you.

13 What I have to hear now is whether you're
14 ready to go to hearing or not, because if you're not
15 going to meet these dates, you may find yourself losing
16 the case without having a chance to put your evidence
17 on.

18 So let's get to the heart of today's
19 business. And I want to first start with the status of
20 your preparation. And that's based primarily, as I see
21 it, on your proffer.

22 I'm going to go down these items one at a
23 time. I have read the briefs. I've read the
24 oppositions or the comments of the parties, that is the
25 opposition of Mr. Tillotson, and the comments of the

1 Bureau counsel. And I think I understand where you're
2 coming from, Mr. Lynch.

3 But let me start with the first thing that
4 you've noted, and that is your Form DD-214 service
5 record. All right?

6 MR. LYNCH: Yes, Your Honor.

7 JUDGE SIPPEL: That's easy to make as just
8 part of your document exhibits that you're going to
9 exchange on Thursday.

10 Now, you also had something stated in a
11 response of pleading, I think it's to Mr. Tillotson
12 latest discovery efforts, that you don't have
13 documentation regarding your heroic efforts in Vietnam.
14 This paperwork is currently misplaced.

15 I'm reading your pleading of July 2. It's
16 called, "response to further request for production of
17 documents."

18 Let me just say that if you have found the
19 document, you can attach it to your Form DD-214 and
20 exchange it on Thursday. If you can't find it, then
21 forget about it. It's not going to even be considered.

22 MR. LYNCH: All right. Your Honor, I have
23 the DD-214. It shows my army commendation medal. It
24 also shows receipt of an oak leaf cluster, which means
25 I got the same medal twice.

1 JUDGE SIPPEL: Okay. That's fine. I don't
2 need to hear that now. I'll simply tell you that the
3 mechanics of this case is going to be discussed as
4 follows, and that is you can offer into evidence your
5 DD-214.

6 I suspect there's going to be objection to
7 it, but I can rule on that on August 4th. If there's
8 something in the DD-214 that shows your heroics, that's
9 all fine and good, too.

10 You don't have to spend time looking for
11 other documents to support that. All right. I'm
12 trying to cut the time on this.

13 MR. LYNCH: All right. I did not spend the
14 time.

15 JUDGE SIPPEL: All right. Don't worry about
16 it.

17 MR. LYNCH: But I am ready, as far as
18 paragraph one, to offer --

19 JUDGE SIPPEL: All right.

20 MR. LYNCH: -- one, the DD-214 --

21 JUDGE SIPPEL: Okay.

22 MR. LYNCH: -- two, veteran's eligibility,
23 dated about three years later, which will attest to
24 honorable discharge. That will be as part of my
25 integration exhibit.

1 JUDGE SIPPEL: All right. So there's only
2 going to be just a couple of documents on that.

3 MR. LYNCH: Yes, Your Honor.

4 JUDGE SIPPEL: All right. Now, paragraph two
5 is your evidence of your 21-year record as an FCC
6 licensee. And I want to ask -- let me ask you first.
7 Where are you on that? How many documents do you
8 intend to offer with respect to that item?

9 MR. LYNCH: I have approximately 30 to 50
10 documents. They are ready. I've put them together.
11 Basically, they are mainly unsolicited letters thanking
12 me for very specific things that I did. It goes toward
13 the qualitative aspect of my integration, as it goes to
14 quantitative.

15 JUDGE SIPPEL: All right. Now, let me ask
16 you this. Do Mr. Tillotson and Ms. Laden have copies
17 of all those letters?

18 MR. LYNCH: No, they don't, as of yet.

19 JUDGE SIPPEL: Well, I will expect that those
20 will be exchanged on Thursday, and that we will hear
21 argument with respect to how they're going to be used
22 on August 4th. All right? Do you hear me?

23 MR. LYNCH: Yes, Your Honor.

24 JUDGE SIPPEL: All right. Let's go to
25 paragraph three, "Evidence as filed by Lynch's superior

1 integration into his community of license." What kind
2 of evidence are you talking about there, in terms of
3 documents, numbers of documents?

4 MR. LYNCH: Your Honor, I've merged number
5 two and number three into basically an integration.
6 The evidence that I have for number three is basically
7 my voting record and a record of where I'm living right
8 now. The voting record goes back to 1970. I signed it
9 in 1969. Basically, the integration is -- the bulk of
10 the integration is covered under paragraph two.

11 JUDGE SIPPEL: All right. I'm hearing you --
12 you're using the term integration in a little different
13 context here. You're talking about how you have
14 involved yourself in the affairs of the community, I
15 take it.

16 MR. LYNCH: Which is the forefront of my 21-
17 year record as an FCC licensee.

18 JUDGE SIPPEL: All right. I don't want to
19 get this into another technical -- or confuse the
20 record with technical distinctions. I understand you.
21 And nobody else here is complaining. So I think
22 everybody understands what you're saying.

23 MR. TILLOTSON: Your Honor --

24 JUDGE SIPPEL: Mr. Tillotson. I should have
25 hesitated before I said that. Go ahead, Mr. Tillotson.

1 MR. TILLOTSON: I think we should get to the
2 point. I'm just sitting here right now and listening,
3 and I must say I think what we thought we were talking
4 about is a proffer concerning mitigating evidence under
5 Meritor's programming.

6 And what I'm understanding Mr. Lynch to be
7 saying is, his mitigation is basically his enhancements
8 under his integration criteria, and that's it.

9 In other words, he's telling us that the same
10 information he's submitting to mitigate is going to be
11 this list of letters from the charities or whatever
12 saying thank you for running this program on WYLR.

13 MR. LYNCH: Incorrect.

14 MR. TILLOTSON: I believe that's what he's
15 talking about.

16 JUDGE SIPPEL: That's what he's telling us.
17 That's correct.

18 MR. LYNCH: No. Absolutely not.

19 JUDGE SIPPEL: No?

20 MR. LYNCH: There's two separate sets of
21 unsolicited letters. There's one to specific things
22 that I have done over and above running programs, and,
23 two, the 100 to 200 later on are specifically what we
24 have done in programming.

25 The things that I'm putting in as my

1 integration are as sitting there as a board member of
2 something, or responding to an on-site review for the
3 Red Cross, but specific things that I did over and
4 above what the radio station did that show my
5 integration into the community.

6 JUDGE SIPPEL: Well, you're going to have to
7 break those down into two separate packages so that
8 it's clear.

9 MR. LYNCH: Understood. They are currently
10 broken down. They are in two separate packages. And
11 other than a few pieces of paper right now, we are
12 ready to exchange on all points.

13 JUDGE SIPPEL: Well, I'm saying, just be sure
14 of that, because Mr. Tillotson has raised the point.
15 Obviously, we're sitting here listening to you, and
16 different people are thinking different things.

17 You've got to carefully break those into two
18 packages and identify specifically what each package
19 relates to. If one relates to renewal expectancy for
20 broadcasting, then so identify it, and if the other
21 package relates to extenuating mitigation for the
22 findings in the Skidelsky case, so identify it.

23 MR. TILLOTSON: Your Honor, could I just -- I
24 think what he's saying is, he has his renewal
25 expectancy concept on one side of the ledger, that is

1 what did the station do.

2 And then he has the comparative integration
3 concept on the other side of the ledger, which is, I,
4 Christopher Lynch, maybe did something for the Red
5 Cross, or was active in a civic activity.

6 The question I was hoping we might get some
7 sort of guidance on today is to what extent merely
8 evidence that would normally go in under an integration
9 aspect, the fact that somebody had some involvement in
10 some civic affairs of the community, is something that
11 is considered as mitigating or exculpatory evidence. I
12 think it would be helpful if we could get some kind of
13 ruling on that.

14 JUDGE SIPPEL: I used the word extenuating.
15 I meant the word exculpatory. Exculpatory seems to be
16 the word of art that we're dealing with.

17 I'll stop now and listen to argument on this
18 point to a limited degree, if you want to, but I don't
19 see any purpose of going into it in too much detail.
20 I'm just telling you right now that I don't think that
21 the standard is all that clear.

22 I don't have guidance from anything much
23 above me in terms of what is exculpatory, relevant
24 exculpatory evidence in an issue that's framed the way
25 that this issue has been framed.

1 As a result, I am taking of you, of almost
2 blending mitigation and extenuation as a concept into
3 exculpatory, and it's going to be just a question of
4 degree of relevance. I think I can do that.

5 I think I can do that without too much
6 trouble, in light of the fact that we now have your
7 proffer in terms of how you're going to approach it.

8 As long as I understand how you're going to
9 approach it, and as long as I understand the volume of
10 the evidence involved, I'm prepared to at least let you
11 offer it into evidence, have it marked as exhibits, and
12 made a part of the record so that rulings can be made
13 on August 4th.

14 Some of this I may even let in as evidence,
15 over the objection, I'm sure, of Mr. Tillotson, and
16 perhaps the Bureau. But I don't see any reason as to
17 why this -- what I would call, it's very important, but
18 it's more of an academic discussion -- should hinder
19 the preparation or the mechanics for this hearing,
20 because what I hear Mr. Lynch complaining about is that
21 he's got too many things to do to get ready for this
22 case. And I want to be sure he's ready, ready as he
23 can be. Mr. Tillotson?

24 MR. TILLOTSON: One other point. I recognize
25 the extent to which, because Mr. Lynch is not

1 represented by counsel, you're trying to provide him
2 with some guidance and make sure that he understands
3 the parameters.

4 My view that I will take, and I will stress
5 it very strongly at the August 4th admission session,
6 and I think that Mr. Lynch should be aware of it now,
7 and maybe get Your Honor's and the Bureau's comments on
8 it, is that whether it's ten or one-hundred letters
9 that simply say thank you for assisting in this, or
10 assisting in that, without someone stepping up to the
11 plate for Mr. Lynch as this community leader and
12 saying, Mr. Lynch came to our organization and did more
13 than simply be a member of, you know, attend a meeting,
14 or participate nominally on a board.

15 Unless we get someone that steps up to the
16 plate with an affidavit that we can come here and have
17 some witnesses to see if there's any substance behind
18 it, and I recognize that if he's got one-hundred of
19 these letters, obviously, if he has five or ten people
20 who will step up, we can assume that the balance of the
21 people would say similar things.

22 But to simply think that this is
23 evidence -- I would object to anything going in without
24 some witnesses that wrote letters or statements,
25 whatever, to come down here and be cross examined to

1 find out what did Mr. Lynch personally really do for
2 the organization beyond lend his name, or maybe attend
3 a meeting, or do something like that.

4 I think he needs some guidance on that.

5 JUDGE SIPPEL: Well, you heard everything Mr.
6 Tillotson said.

7 MR. LYNCH: Yes.

8 JUDGE SIPPEL: So you know then what you can
9 expect in terms of objections on August 4th, unless you
10 are prepared to bring in some witnesses who are going
11 to substantiate what are in these letters. That's so
12 that you understand where he's coming from.

13 Where I'm coming from, Mr. Tillotson says
14 that I'm lending you guidance. I don't view it that
15 way. My obligation is to have a record that can be
16 prepared and closed in a timely fashion so that I can
17 make a decision.

18 And I feel under the circumstances of this
19 case, this is how I have to do that. I'm simply doing
20 my job. I'm not guiding or representing anybody in
21 this case.

22 Let me just say that you exchange these
23 documents on Thursday, and then you be prepared to come
24 in on August 4th and offer them into evidence. And
25 you're being given the benefit right now, so I'm hoping

1 you're listening very carefully, of the objections
2 you're going to get, so you can be prepared between now
3 and August 4th to come in and meet these objections,
4 because you're going to have to argue to me as to why I
5 should let them into evidence. Okay?

6 MR. LYNCH: Okay. On my behalf there are one
7 or two things very quickly I'd like to bring up. My
8 position is that these go mainly towards mitigation.
9 The documents are going to be community affidavits, as
10 one part.

11 They're going to be integration of me, per
12 se. And there's going to be a third part of documents,
13 letters and awards to WYLR for its work in the
14 community. These will both go toward mitigation and
15 they will go towards renewal expectancy.

16 JUDGE SIPPEL: All right. Well, you can make
17 those arguments when you're offering them into evidence
18 on August 4th. I'm just saying that at the exchange,
19 which is to take place the day after tomorrow, be sure
20 that you break these documents into the categories that
21 you're talking about.

22 And if you're going to cross-reference, that
23 is, if some are going to be used for both purposes,
24 that must be identified on some kind of a cover sheet
25 to the documents.

1 Do you understand what I'm saying?

2 MR. LYNCH: Very few of them are cross-
3 referenced. But, again, I have three separate
4 exhibits, and three separate exhibits are broken down
5 as I just said. So they should be very clear. And I
6 think they're very obvious.

7 JUDGE SIPPEL: Well, let me say, this
8 discussion is not getting us anywhere. We'll just have
9 to wait and see what it is that you do. But I hope
10 that you understand what I'm telling you.

11 MR. LYNCH: I believe I do, Your Honor.

12 JUDGE SIPPEL: All right. Now, the other
13 thing is that with respect to item three, this is
14 talking about evidence of your activities in the
15 community of license.

16 Mr. Tillotson has an outstanding discovery
17 request to you for documents that would be relevant to
18 that subject matter. I want to know if you have any,
19 and if you've given them to him.

20 Let me go to specifically what he's asked
21 for. Mr. Tillotson has asked for all documents
22 reflecting methodology of Normandy to identify problems
23 and concerns of the Glens Falls community. To me that
24 would fall into that category. They seem to be
25 relevant to category three, which you say that you're

1 going to offer proof on.

2 Does Mr. Tillotson -- have you given him
3 documents reflecting the methodology of how you
4 determined Glens Falls's community needs during the
5 licensing term?

6 MR. LYNCH: I believe you're referring to the
7 motion to compel production of documents. I just
8 received a couple of days ago. I have been focused on
9 putting my direct case together.

10 JUDGE SIPPEL: It's only a three-page motion.
11 I mean it's not a big --

12 MR. TILLOTSON: This is an earlier motion. I
13 believe, Your Honor, that an original request was made.

14 JUDGE SIPPEL: That's right. He's just
15 repeating what was originally requested way back
16 earlier than July.

17 MR. LYNCH: It was my understanding, Your
18 Honor, that your motion superseded that specific
19 request. I have complied fully, to the best of my
20 knowledge. And the Mass Media Bureau or Mr. Tillotson
21 can correct me, all existing documentation from, you
22 know, that you ordered to be produced, is produced.

23 JUDGE SIPPEL: All right. I see what
24 happened. You responded in full, you feel, to my "A",
25 "B", and "C" paragraphs. And you seemed to have let

1 the other things go by the board.

2 MR. LYNCH: Yes, Your Honor.

3 JUDGE SIPPEL: All right. Well, that was a
4 mistake. But it appears that you misinterpreted what
5 my intentions were with my order. Let me see if I can
6 correct that right now.

7 Mr. Tillotson is asking for more time. He's
8 asking to extend discovery so that he can get this
9 information. It's clearly relevant, and it should be
10 readily available. So I'm going to extend discovery in
11 this case until July 27th, which is a Monday.

12 Now, what problem would you have in coming up
13 with that information in the next couple of days?

14 MR. LYNCH: I doubt if I would have any
15 problem at all, inasmuch as one -- the only
16 documentation I have, as far as the methodology of one,
17 I have written three pages in our direct case,
18 specifically what we do, how we do it.

19 JUDGE SIPPEL: All right. Well, that's going
20 to be very helpful.

21 MR. LYNCH: And that, I have not, over the
22 license term, changed my methodology at all. I sit
23 together with my department heads at any given time.
24 You know, we are consulting with numerous people in the
25 community --

1 JUDGE SIPPEL: All right.

2 MR. LYNCH: -- on an ongoing basis.

3 JUDGE SIPPEL: Okay. I hear you. Now,
4 listen. Listen. I've extended the discovery date, the
5 close of discovery to July 27th. Mr. Tillotson will
6 have a chance to see how you explain your methodology
7 in your exchange this Thursday. All right. If there's
8 more documentation that he feels he needs, he can get
9 back to you on an informal basis.

10 MR. TILLOTSON: Your Honor, the other
11 critical element of that was, one was, how did he
12 identify issues. But the one thing that he has not
13 given us that I think is absolutely critical to his
14 renewal expectancy is the issues programs list for the
15 period -- we had gotten them from --

16 JUDGE SIPPEL: I haven't gotten to that yet.

17

18 MR. TILLOTSON: Okay. I'm sorry.

19 JUDGE SIPPEL: I want to take these one at a
20 time, because --

21 MR. TILLOTSON: Okay. I just wanted it to be
22 clear that was the other part of that motion. That was
23 the other part of his motion.

24 JUDGE SIPPEL: Yes. I haven't gotten to that
25 yet. I'm just on item -- which is Mr. Tillotson's item

1 three, going back to a request that he made in May.
2 Okay.

3 So we're clear on this. Mr. Tillotson is
4 going to react to what you proffer or what you produce,
5 rather, in your exchange. You're going to explain
6 methodology. If he thinks there are more relevant
7 documents that he needs, he will get back to you.

8 And we can continue this process up until the
9 July 27th. I will be available for a phone conference
10 or whatever is needed of me. But let's see if we can
11 get that pinned down quickly.

12 MR. LYNCH: If I understand you correctly, I
13 respond to both of these on an informal basis.

14 JUDGE SIPPEL: No. No. No. No. That's why
15 I try to take these one at a time. When you say both
16 of these, that's confusing. I'm talking about the
17 methodology request. Because the next request, which
18 is much more specific, and it says, "All issues,
19 program lists" --

20 MR. LYNCH: Yes.

21 JUDGE SIPPEL: -- "for the period June 1,
22 1984, to December 31, 1986." Now, I take it those have
23 not been produced, is that correct?

24 MR. LYNCH: I don't believe they have,
25 although they're right in my file. I can have them in

1 the mail tomorrow.

2 JUDGE SIPPEL: Good. Let's do that.

3 MR. LYNCH: Yes, Your Honor.

4 JUDGE SIPPEL: Let's do it. Okay? Now, I
5 don't want you to do it tomorrow if it's going to some
6 way interfere with your exchange on Thursday.

7 MR. LYNCH: I am ready to exchange. I have
8 one or two minor questions, as far as how many copies,
9 and who gets it, but I have all my paperwork in order
10 right now. I appreciate the week's extension. It
11 saved my life --

12 JUDGE SIPPEL: All right. Then we don't have
13 to say --

14 MR. LYNCH: -- this week.

15 JUDGE SIPPEL: All right. That's fine. Then
16 we don't have to say --

17 MR. LYNCH: We can exchange right now --

18 JUDGE SIPPEL: Mr. Lynch, that's fine. We don't -
19 - if you tell me you're ready to go, you're ready to
20 go. I accept that.

21 MR. LYNCH: I'm ready to go. To the best of
22 my knowledge, everything I have is here. I may be
23 goofing up something, but I don't believe so. As I
24 say, I am ready. I am waiting for one or two more
25 affidavits that were promised last week.

1 But other than that, everything is here.

2 Actually, I could send it out, if I could have leave to
3 send in my last community documents three or four days
4 later. I could send it out this afternoon.

5 JUDGE SIPPEL: No. The time that it has to
6 arrive in Washington that I've set down the time and
7 the date, and that's what you have to comply with.

8 Now, anything else that you're going to want for
9 related relief, you're going to have to file something
10 separately. But I don't want you wasting your time
11 now. I don't want you doing anything except getting
12 those exchange documents ready to be here in Washington
13 on Thursday.

14 Then if you want -- then you can relax and
15 send these things in the mail on Friday to Mr.
16 Tillotson. I'm talking about these programs lists for
17 June of 1984 to December of 1986. And he'll get those
18 early next week. And we can go forward. But keep your
19 eye on the ball between now and Thursday.

20 What you have to do is you have to -- I don't
21 know how you're going to do it, use your own devices,
22 courier mail or whatnot, but these have to be produced.
23 These have to be exchanged with Mr. Tillotson and with
24 Ms. Laden on Thursday, at whatever time I have
25 indicated.

1 I'm going to expect certainly a courtesy
2 copy, but my courtesy copy can come, say, late on
3 Thursday or early Friday. But the key thing is to make
4 these exchanges on the date and time indicated to
5 counsel in this case. They will do the same thing with
6 respect to you.

7 MR. LYNCH: Very fine. There should be
8 absolutely no problem whatsoever on that.

9 JUDGE SIPPEL: Okay. That's it. That's it.
10 I mean that's what we're really here about today.

11 MR. LYNCH: Very fine.

12 JUDGE SIPPEL: Now, I want to continue to go
13 down your proffer, however, because I'm trying to save
14 time also on August 4th.

15 Number four, "Evidence as to the
16 extraordinary pressures and time demands on yourself as
17 chief executive officer during this period that could
18 have contributed to inadvertent errors."

19 Now, how do you intend to prove that, in
20 terms of volumes of documents or written evidence?

21 MR. LYNCH: It's a very simple two-page
22 sworn, notarized affidavit.

23 JUDGE SIPPEL: Of whom?

24 MR. LYNCH: It's a single exhibit.

25 JUDGE SIPPEL: Whose affidavit?

1 MR. LYNCH: It is my affidavit.

2 JUDGE SIPPEL: So you'll be cross examined on
3 that.

4 MR. LYNCH: Pardon?

5 JUDGE SIPPEL: You'll be cross examined on
6 that then.

7 MR. LYNCH: There's absolutely no problem.
8 There's been quite enough pressure.

9 JUDGE SIPPEL: All right. Now, again, I'm
10 going down these items because I'm trying to find out
11 logistically where things are, and how many documents
12 you're thinking about using.

13 I understand that there's going to be --
14 these things may be contested vigorously on August 4th.
15 So just because I'm passing by these items doesn't mean
16 that you've won the day, that you're going to get them
17 in the record.

18 Do you understand me?

19 MR. LYNCH: Yes, Your Honor.

20 JUDGE SIPPEL: Okay. Now, the next item is
21 paragraph five, "Evidence on file at the FCC of
22 Normandy's single field inspection by Mr. Kelly back
23 in" -- is that 1970 or 1978?

24 MR. LYNCH: 1978, Your Honor.

25 JUDGE SIPPEL: It looks like 1970 on my copy.

1 What is that? Do you have that? Do you have that now?

2 MR. LYNCH: That is one of the things I had
3 to compromise. The only evidence I have there is the
4 card of the field inspector. Over the last 14 years
5 we've managed to lose the field report.

6 Again, I don't know how to present that
7 exactly, although he did come in to spend a full day.
8 I don't know if it is on record at the FCC right now.
9 And I don't know if I can reference it. But,
10 obviously, no complaints were made after a full-day
11 inspection. And we seemed to run an excellent
12 compliance of the law at that period.

13 JUDGE SIPPEL: Is anybody willing to
14 stipulate to that?

15 MR. TILLOTSON: No.

16 JUDGE SIPPEL: Mr. Tillotson won't. The
17 Bureau won't. All right. It's up to you. Whatever
18 you can put together between now and Thursday will be
19 what will be considered on August 4th. You've had time
20 to get that together, more than ample time to get that
21 together. So we're not going to delay things for
22 further searching expeditions.

23 Paragraph six is, "Evidence of your
24 attendance at an NAB license renewal seminar." What
25 was the date of that seminar?